



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.11.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.18069 of 2021

Jothibaskaran

... Petitioner/Accused No.1

Vs

State Rep. By
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Cr.No.270 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.Mahalakshmi
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : Mr.A.K.Gopalan

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.270 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2021 for the offences punishable under Sections 468, 409 and 477A IPC in Crime No.270 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was working as Manager and A2 was working as Personal Banker in HDFC Bank, Kadayanallur Branch from 2016 to 2019. On 19.05.2020, when the de-facto complainant along with his Personal Banker audited the bank transactions and listed out the fixed deposit, they found that the petitioner and A2, issued fake fixed deposit receipts to Kaja
Services & Courts, Govt. of India, Hyderabad
School from the year 2016 to 2019 and also misappropriated to the tune of Rs.48 lakhs. Hence, the complaint.

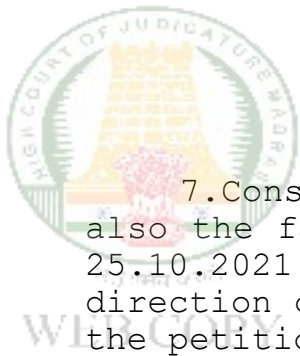


3.The learned counsel for the petitioner would submit that the petitioner is no way responsible for the alleged transaction and he is innocent and he has been falsely implicated in this case. He would further submit that A2 was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.6398 of 2020 on 19.06.2020 and this Court while granting anticipatory bail, directed A2 to deposit a sum of Rs.3,00,000/- by way of demand draft in favour of the HDFC Bank, Kadayanallur Branch, within a period of four weeks from the date of receipt of a copy of that order. He would further submit that the petitioner earlier filed anticipatory bail before this Court in Crl.O.P.(MD)No.6939 of 2020 and this Court granted interim protection on 15.07.2020 and directed the petitioner to deposit a sum of Rs.10,00,000/- to the credit of Crime No.270 of 2020 before the learned Judicial Magistrate, Tenkasi on or before 22.07.2020, and further directed to deposit the remaining amount of Rs.18,00,000/- on or before 07.09.2020. Since he is unable to pay the remaining amount, the respondent police arrested the petitioner on 25.10.2021. Hence, the petitioner filed the present petition for seeking bail.

4.The learned Additional Public Prosecutor would submit that earlier, the petitioner filed anticipatory bail before this Court in Crl.O.P.(MD)No.6939 of 2020 and this Court granted interim protection on 15.07.2020 and directed the petitioner to deposit a sum of Rs.10,00,000/- to the credit of Crime No.270 of 2020 before the learned Judicial Magistrate, Tenkasi on or before 22.07.2020, and further directed to deposit the remaining amount of Rs.18,00,000/- on or before 07.09.2020. Since the petitioner has not complied with the said condition, the respondent police has arrested the accused. Hence, he strongly opposed to grant bail to the petitioner.

5.Mr.A.K.Gopalan, learned counsel for the intervenor opposed for grant of bail on the ground that the petitioner has not complied with the order of this Court.

6.It is not in dispute that this Court in Crl.O.P.(MD)No.6939 of 2020 vide order dated 15.07.2020, recording the willingness of the petitioner that he is ready to deposit the amount of Rs.28,00,000/- , directed the petitioner to deposit a sum of Rs.10,00,000/- to the credit of Crime No.270 of 2020 before the learned Judicial Magistrate, Tenkasi on or before 22.07.2020 and further directed to deposit the remaining amount of Rs.18,00,000/- on or before 07.09.2020. Admittedly, the petitioner deposited Rs.10,00,000/- in time. For paying the remaining amount, the time was extended at the request of the petitioner. Despite the same, the petitioner failed to deposit the remaining amount of Rs.18,00,000/- in time. Therefore, this Court dismissed the above petition and further directed the Superintendent of Police to secure the petitioner and report before this Court. In pursuance of the said order, the petitioner was arrested on 25.10.2021.



7.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody only from 25.10.2021 and that the petitioner has not complied with the direction of this Court, this Court is not inclined to grant bail to the petitioner at this point of time.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
18/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.
- 2.THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.A.K.GOPALAN, Advocate (SR-8244[I] dated 18/11/2021)

ORDER
IN
CRL OP(MD) No.18069 of 2021
Date :18/11/2021

SB/VR/SAR-II/24.11.2021/3P/6C